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OFFICE OF PETITIONS

In re Patent No. 7,094,181 :
Issue Date: August 22, 2006 :
Application No. 10/687,161 : **ON PETITION**
Filed: October 17, 2003 :
Attorney Docket No. **3201.2.3 CIP** :

This is a decision on the petition under 37 CFR 1.137(b) which is being treated as a petition under 37 CFR 1.378(c), filed July 14, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

This patent expired at midnight August 22, 2010, for failure to pay the 3½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c). Petitioner has submitted fees totaling \$1,310 (\$490 for the 3½ year maintenance fee; \$820 for the payment of the (petition) surcharge fee) with the instant petition. However, the amount required to reinstate the patent is \$2,130 which includes \$490 for payment of 3½ year maintenance fee and \$1,640 for the surcharge fee required by 37 CFR 1.20(i)(2). Therefore, petitioner must submit \$820 for the payment of the (petition) surcharge fee set forth in 37 CFR 1.20(i)(2) and \$400 for the petition for reconsideration before this patent can be reinstated.

It is also noted that petitioner had submitted the incorrect petition form for reinstatement of the patent. The correct petition form for a Petition to accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c) PTO/SB/66) is enclosed with a copy of this decision.

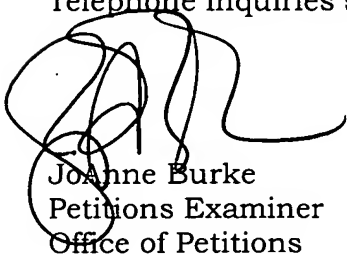
Further correspondence with respect to this matter should be addressed as follows:

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The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571)-272-4584.



JoAnne Burke
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